

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANTHONY A. COOPER, JR.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-396-JJF
	:	
THOMAS C. CARROLL, Warden, and	:	
CARL C. DANBERG, Attorney General	:	
of the State of Delaware,	:	
	:	
Respondent.	:	

O R D E R

At Wilmington this 16 day of October, 2006;

IT IS ORDERED that:

Petitioner Anthony A. Cooper, Jr.'s Motion For The
Appointment Of Counsel is DENIED without prejudice to renew.

(D.I. 15.)


Petitioner, acting pro se, has no automatic constitutional
or statutory right to representation in this federal habeas
proceeding. See Coleman v. Thompson, 501 U.S. 722, 752 (1991);
Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991); United
States v. Roberson, 194 F.3d 408, 415 n.5 (3d Cir. 1999).

However, the Court may seek representation by counsel for
Petitioner "upon a showing of special circumstances indicating
the likelihood of substantial prejudice to [petitioner] resulting
. . . from [petitioner's] probable inability without such
assistance to present the facts and legal issues to the court in

a complex but arguably meritorious case." Tabron v. Grace, 6 F.3d 147, 154 (3d Cir. 1993) (citing Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir. 1984); 18 U.S.C. § 3006A

(a)(2)(B) (representation by counsel may be provided when a court determines that the "interests of justice so require").

Here, Petitioner seeks representation by counsel because he is incarcerated, unskilled in the law, and he has limited access to the prison library. (D.I. 15.) However, Petitioner's filings in this Court indicate his ability to present his case, and it does not appear that expert testimony will be necessary or that the ultimate resolution of the Petition will depend upon credibility determinations. See, e.g. Parham v. Johnson, 126 F.3d 454, 460 (3d Cir. 1997) (citations omitted). Therefore, the Court concludes that the "interests of justice" do not warrant representation by counsel at this time.


UNITED STATES DISTRICT JUDGE